

**AMENDMENT**

Please amend the application, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents.

**In the Claims**

1. (Currently amended) An isolated nucleic acid molecule with the function of a caryopsis-specific promoter, which nucleic acid molecule:
  - a) comprises the nucleic acid sequence defined by Seq ID No. 1 or deposited by DSM 13398 (plasmid p 11/1);
  - b) comprises one or more sequence elements selected from the group consisting of
    - i) cacgcaaagg cgcgctggcc agccacgac (Seq ID No. 2);
    - ii) agaaacaaac aaacaacaa aaaagt (Seq ID No. 3);
    - iii) cctttcagga cgatgcttcg gtgccttaag acacctacc tttgtgtcta tgacatgtga gccaacag atggct (Seq ID No. 4);
    - iv) cccgtctagg cggtcggtgt ccggcc (Seq ID No. 5);
    - v) cagggagcct tcga (Seq ID No. 6);
    - vi) tcagccagtt ccacccgtg cacg (Seq ID No. 7) and
    - vii) tactctggtc atgttaa (Seq ID No. 8);
  - c) comprises a functional portion of Seq ID NO. 1 ~~the nucleic acid sequence stated under a);~~
  - d) comprises a sequence which hybridizes with Seq ID No. 1, or the complement thereof, under hybridization conditions comprising a hybridization temperature of 65-68°C, a hybridization buffer salt concentration of 2X SSC, a wash temperature of 65-68°C, and a wash buffer salt concentration of 0.2X SSC; under stringent conditions with at least one of the nucleotide sequences stated under a) and/or b); and/or
  - e) comprises a sequence which has ~~approx. 90~~ approximately 95-99% identity with ~~one of the nucleic acid sequences stated under a)~~ Seq ID No. 1.
2. (Cancelled)

3. (Previously presented) An expression cassette comprising the isolated nucleic acid molecule as claimed in claim 1.

4. (Previously presented) A vector comprising the isolated nucleic acid molecule as claimed in claim 1.

5. (Previously presented) The vector as claimed in claim 4 which is suitable for transforming plant cells.

6. (Previously presented) A host cell comprising the isolated nucleic acid molecule as claimed in claim 1.

7. (Previously presented) The host cell as claimed in claim 6, which is a pro- or eukaryotic cell.

8. (Previously presented) The host cell as claimed in claim 6, which is a plant cell.

9. (Previously presented) A plant comprising the plant cell as claimed in claim 8.

10. (Previously presented) Propagation material or harvested material from the plant as claimed in claim 9.

11. (Previously presented) A method of generating transgenic plant cells, comprising the steps of transforming plant cells, plant tissue, plant parts or protoplasts with the isolated nucleic acid molecule as claimed in claim 1, the vector as claimed in claim 4, the expression cassette as claimed in claim 3, or the host cell as claimed in claim 6, and growing the transformed plant cells, plant tissues, plant parts or protoplasts in a growth medium.

12. (Previously presented) A method of generating transgenic plants, comprising the steps of transforming plant cells, plant tissue, plant parts or protoplasts with the isolated nucleic acid molecule as claimed in claim 1, the vector as claimed in claim 4, the expression cassette as claimed in claim 3, or the host cell as claimed in claim 6, growing the transformed plant cells, plant tissues, plant parts or protoplasts in a growth medium, and regenerating intact plants from these.

13. (Previously presented) A method for caryopsis-specific expression of genes in genetically modified plants comprising transforming a plant cell, plant tissue, plant part or protoplast with the nucleic acid molecule as claimed in claim 1, wherein the nucleic acid molecule drives expression of genes under the control of the nucleic acid molecule in caryopses.

14. (Previously presented) A method for the caryopsis-specific suppression of genes in genetically modified plants comprising transforming a plant cell, plant tissue, plant part or

protoplast with the nucleic acid molecule as claimed in claim 1, wherein a nucleic acid molecule under the control of the caryopsis-specific promoter suppresses expression of endogenous genes.

15. (Currently amended) A method for caryopsis-specific gene expression in plants, wherein a nucleic acid molecule as claimed in claim 1 is stably integrated into to the genome of a plant cell, and the plant is regenerated from said plant cell, whereby caryopsis-specific gene expression occurs in the plant.

16. (Currently amended) A method for caryopsis-specific gene suppression in plants, wherein a nucleic acid molecule as claimed in claim 1 is stably integrated into the genome of a plant cell, and a plant is regenerated from said plant cell, whereby caryopsis-specific gene expression occurs in the plant.

17. (Cancelled)

18. (Cancelled)